

Broads Authority

Planning Committee

Minutes of the meeting held on 22 July 2016

Present:

Mr M Barnard
Prof J Burgess
Sir Peter Dixon
Mr W Dickson

Ms G Harris
Mr H Thirtle
Mr V Thomson
Mr J Timewell

In Attendance:

Ms N Beal – Planning Policy Officer (Minute 1/10 – 1/11)
Mrs S A Beckett – Administrative Officer (Governance)
Ms M Hammond – Planning Officer (Minute 1/10)
Mr D Harris – for the Solicitor
Mr G Papworth – Planning Assistant (Minute 1/8)
Ms A Long – Director of Planning and Resources
Mr T Risebrow – Planning Officer (Compliance and Implementation)

Members of the Public in attendance who spoke:

BA/2016/0176/FUL Land north of East End Farm, Aldeby

| | |
|-----------------------|------------------------------------|
| Ms Karen Kennedy-Hill | On behalf of Aldeby Parish Council |
| Mr Ben Watts | Objector |
| Ms Jenny Bailey | The applicant |

BA/2016/0213FULThe Bridge Restaurant, Norwich Road, Wroxham

| | |
|---------------|---------------|
| Mr Mark Eames | The applicant |
|---------------|---------------|

1/1 Appointment of Chairman and Vice-Chairman

- (1) The Director of Planning and Resources welcomed everyone to the meeting. She invited nominations for the Chairman of the Planning Committee for the following year 2016/17.

Prof Burgess proposed, seconded by Mike Barnard the nomination of Sir Peter Dixon.

There being no other nominations

RESOLVED unanimously

that Sir Peter Dixon be appointed as Chairman of the Planning Committee for the following year until the July 2017 Planning Committee meeting.

Sir Peter Dixon in the Chair

(2) Appointment of Vice-Chairman

The Chairman invited nominations for the Vice-Chairman of the Planning Committee. John Timewell proposed, seconded by Gail Harris, the nomination of Mr Paul Rice. Although Mr Rice was not able to be present, it was established that he was willing to stand. He has subsequently indicated he is pleased to be elected to the role

There being no other nominations, it was

RESOLVED unanimously

that Mr Paul Rice be appointed as Vice-Chairman of the Planning Committee for the following year until the July 2017 Planning Committee meeting.

1/2 Apologies for Absence and Welcome

The Chairman welcomed everyone to the meeting.

In particular he formally welcomed Mr David Harris, to his first meeting of the Planning Committee as Solicitor and Monitoring Officer.

Apologies were received from Mr Paul Rice

1/3 Chairman's Announcements and Introduction to Public Speaking

(1) No members of the public indicated that they intended to record proceedings

(2) Site Visit for Application BA/2016/0191/FUL Hickling Enhancements

The Chairman reminded Members that the Planning Committee site visit to view the proposals for enhancements to Hickling Broad would be on 18 August 2016 at 2.00pm prior to the application being considered by the Planning Committee on 19 August 2016. The site visit was to apprise members of the area and the issues involved, particularly as it was the Authority's own application. He would not be attending the site visit as he had declared an interest.

(3) Heritage Asset Review Group

The Chairman stated that the next meeting of the Heritage Asset Review Group was due to be held following the Planning Committee meeting on 19 August 2016. The membership comprised the Chairman and Vice-Chairman of the Planning Committee and three others,

Jacquie Burgess and Mike Barnard being two of these. As Sholeh Blane had now left the Authority there would be a vacancy. Members interested were invited to contact the Director of Planning and Resources.

(4) Public Speaking

The Chairman reminded everyone that the scheme for public speaking was in operation for consideration of planning applications, details of which were contained in the Code of Conduct for members and officers. (This did not apply to Enforcement Matters.)

1/4 Declarations of Interest

The Chairman declared an interest on behalf of all members in relation to Agenda item 9(3) BA/2016/0170/COND Heron Cottage, Ferry Road, Horning as a member of the Navigation Committee was a Director of the Ferry Marina, the owner of the property; and Agenda item 10 concerning Waveney River Centre as the owner was a member of the Authority's Navigation Committee.

Members indicated their declarations of interest in addition to those already registered, as set out in Appendix 1 to these minutes.

Mr Dickson explained that he had provided comments on two applications prior to the meeting as he had originally thought that he would not be able to attend. Circumstances had since changed so he was now able to be present. Therefore he would not take part in the debate or vote on the two applications on which he had commented.

1/5 Minutes: 24 June 2016

The minutes of the meeting held on 24 June 2016 were agreed as a correct record and signed by the Chairman.

1/6 Points of Information Arising from the Minutes

The Director of Planning and Resources referred to Minute 13/9 concerning potential enforcement items deferred from the last meeting relating to the Ferry Inn at Horning and Eagles Nest, Ferry Road, Horning. She explained that they were not on the agenda for this time as a planning application and an application for a Certificate of Lawful Use had been received respectively.

1/7 To note whether any items have been proposed as matters of urgent business

No items had been proposed as matters of urgent business.

1/8 Requests to Defer Applications and /or Vary the Order of the Agenda

No requests to defer planning applications had been received.

The Chairman stated that he intended to vary the order of business to enable those reports prepared by the Planning Policy Officer at agenda items 12 and 13 to be taken before item 11 concerning Planning Committee Procedures.

1/9 Applications for Planning Permission

The Committee considered the following applications submitted under the Town and Country Planning Act 1990, as well as matters of enforcement (also having regard to Human Rights), and reached decisions as set out below. Acting under its delegated powers the Committee authorised the immediate implementation of the decisions.

The following minutes relate to further matters of information, or detailed matters of policy not already covered in the officers' reports, and which were given additional attention.

- (1) **BA/2016/0176/FUL Land north of East End Farm, East End Lane, Aldeby**
Change of use of land to equestrian. New Stables, feed shed, dog run, ménage, fencing and landscaping
Applicant: Miss Jennifer Bailey

The Planning Assistant commented that following the decision made at the last meeting, Members of the Committee had had the benefit of a site visit on 15 July 2016, a note of which had been circulated.

The Planning Assistant provided a detailed presentation of the application for the change of use of agricultural land to equestrian involving the location of new stables in the south west part of the site along the southern boundary, with the feed shed and dog run to the west and east elevations of the stable block, and a ménage to the east of the stable block as well as the area of hardstanding around the stable block to be finished in materials of a high specification. The application also included fencing and landscaping, details of which were illustrated. The Planning Assistant provided photographs showing the context of the site which included an indication of the landfill site to be restored and that which had been restored and was now a conservation meadow, as well as the Boons Heath Conservation Area. He also showed photographs of the application site from various vantage points which included those seen by members who had attended the site visit.

Since the writing of the report and the site visit, further representations had been received from the Parish Council and the neighbour, which had been circulated for Members' information.

The Planning Assistant addressed the main issues in the determination of the application concerning design, particularly the impact on landscape, ecology, highways and amenity. He informed the

Committee that he had received representations suggesting that the stable block be finished with black weatherboarding and a pantile roof, but it was considered that this would provide a more domestic look and inappropriate for an agricultural/equestrian building. In conclusion he explained that there had been no change in the circumstances since the previous report had been prepared, Officers were satisfied with the accuracy of the information provided and the further information submitted by the objectors did not materially affect the recommendation. Therefore, subject to the conditions outlined within the report to include lighting details and hours of operation of the generator, the application was recommended for approval.

Mrs Kennedy-Hall on behalf of the Parish Council, thanked the Committee for visiting the site in order to appreciate the concerns which had been documented. The Parish Council was particularly concerned about the precedent which the proposed development could set. One development would not have a massive impact but the cumulative effects of such developments in the area would be massive. She expressed puzzlement that the advice from the previous Planning Officers was not being taken into account, especially as she understood they had visited the site. She referred to Development Management Policy DP28 and the NPPF concerning the future protection of the landscape for future generations and urged the Committee to reject the application.

Mr Watts provided an account of his understanding of the history of the site as documented in his correspondence that gave officers' opinion that an application for change of use of the land from agriculture to an equestrian use was not likely to be supported. He referred to when the site had been under a previous owner before the current owner, there had been an instance when a 200metre area had been pegged out and hard core imported. Officers had visited the site and the hard core had finally been removed. He stated that the proposal needed to be considered as being out of scale, inappropriate to the area and did not conform to Policy DP28. The proposed use had not been supported by two former planning officers, the application had been called in by the local member due to the potential landscape impact of the development, in particular the cumulative effects of such developments both in and adjacent to the Broads Authority area.

The application was therefore considered to be unacceptable and he urged the Committee to refuse it.

Members sought clarification on Policy DP28 and application of consistency as well as precedent. The Director of Planning and Resources explained that the Policy DP28 was not in the NPPF but was one of the Authority's own policies which set out the criteria and issues that could affect amenity and which were required to be addressed. With regard to precedent, Members were required to judge each application on its merits. The Solicitor commented that the

establishment of a precedent was a potential material consideration. However, something more than a mere assertion or generalised concern was needed. It was not possible to make assumptions on future potential applications or circumstances. The term “amenity land”, as referred to in the correspondence, was very imprecise and its use was not advocated by planners. Planners would apply the Use Classes Order. In this case, the applicant sought to submit the application as a change of use from agriculture to equestrian in light of planning officer advice on use.

Members acknowledged the concerns raised by the Parish Council. They gave consideration to the potential noise from the generator but were assured that this would only be used when solar power was not adequate and would be conditioned. With regards to potential light pollution, in general Members were satisfied that the lights would be downward facing to minimise such an impact. It was established that they would be necessary from a health and safety perspective, particularly in the winter months. They were satisfied that the landscaping scheme would eventually mitigate any adverse landscape impact and that this had been properly considered.

RESOLVED by 5 votes to 2

that the application be approved subject to conditions as outlined within the report for 22 July 2016 and an Informative advising the applicant that any other buildings on the site would require planning permission.

The proposal is considered to be in accordance with Policies DP1, DP2, DP4, DP11 and DP28 of the Development Plan Document (2011), and the National Planning Policy Framework (2012).

(2) **BA/2016/0213/FUL The Bridge Restaurant, Norwich Road, Wroxham**

Replacement Restaurant

Applicant: Wroxham Bridge Developments Ltd.

The Planning Officer gave a detailed presentation of the application that proposed demolition of all but the brick section of the existing restaurant immediately adjacent to the Scheduled Ancient Monument of Wroxham Bridge and replacement with a new predominantly two storey building which would also trade as a restaurant. This would have a footprint of approximately 290 square metres, approximately 60 square metres larger than the existing and would have a predominantly glass front facing the river. The oak tree within the site would need to be removed, but this was not in good condition as it was already compromised by the existing building and was not worthy of a TPO. The new building would have a seating capacity of up to 100 covers, currently the restaurant had capacity for 60 to 70 covers.

Since the writing of the report, comments had been received from the County's Historic Environment Service in support of the comments from Historic England and requiring a scheme of Archaeological mitigation and that a survey be undertaken before demolition. It was clarified that the brick building to be retained was considered important for the stability of the bridge. Scheduled Ancient Monument consent would be required directly from Historic England.

Having provided a detailed assessment of the proposals in such a prominent and sensitive location, the Planning Officer concluded that the redevelopment proposal was acceptable being supported by the Site Specific Policy HOV4 as it would provide tourist facilities and would enhance the appearance of the area. The design was relatively traditional in form but contemporary and appropriate to the riverside setting but the significance of the Scheduled Ancient Monument would not be substantially harmed. In addition there were public benefits to the proposal which weighed in its favour. The proposal was also considered to be in accordance with paragraph 134 of the NPPF. Therefore the application was recommended for approval subject to conditions including a scheme of Archaeological mitigation.

Sketches of the proposal, provided by the agent for the application, were circulated for Members information.

Members welcomed the proposal including the dedicated disabled parking spaces and concurred with the Planning Officer's assessment.

RESOLVED by 6 votes to 0 (having declared an interest, Bill Dickson and John Timewell did not vote).

that the application be approved subject to conditions as outlined within the report including those recommended by Historic England requiring a scheme of archaeological mitigation. The proposal is considered to be acceptable in accordance with Policies CS1, CS5, CS7, CS9, CS20 and CS23 of the adopted Core Strategy (2007), Policies DP1, DP2, DP4, DP5, DP11, DP20, DP27, DP28 and DP29 of the adopted Development Management Policies (2011), Policy HOV4 of the Site Specifics Policies (2014) and the National Planning Policy Framework (2012) which is a material consideration in the determination of this application.

(3) **BA/2016/0170/COND Heron Cottage, Ferry Road, Horning**

Variation of condition 2 of permission BA/2014/0228/CU

Applicant: Ferry Marina Ltd.

The Planning Officer explained that the matter was before members as a Member of Navigation Committee and former Member of the Authority is a Director of the company making the application. The application related to a short term holiday let granted planning permission in 2014 having been a former boat sales and hair dressing

salon on the end of a terrace of holiday dwellings on Ferry Road Horning. The application involved amendments to the original permission to include the retention of a larger panel on the north elevation; use of glass balustrades to the Juliet balconies; installation of one full height window and one door on the east elevation at ground floor level; use of wood effect UPVC windows for all new windows and doors; advertising sign on the north elevation; and, provision of enclosed decking to the east. The original permission required all new windows to be of timber.

The Planning Officer commented that whilst it was regrettable that the alterations had been made at variance to the approved scheme they were relatively minor and largely acceptable in accordance with policy subject to securing replacement of the larger composite imitation timber finish panel on the north elevation with a timber panel.

Members concurred with the Officer's assessment. It was noted that the standard time limit compliance with the conditions, which included the replacement panel and the display of flood warning notices, would be six months from the date of the planning permission being issued.

RESOLVED unanimously

that the application be approved subject to conditions as outlined within the report. The proposal is considered to be in accordance with Policies DP4, DP10 and DP28 of the adopted Development Management Policies DPD ((2011) and the NPPF (2012).

1/10 Enforcement Items for consideration

(1) Waveney Inn and River Centre

Further to Minute 13/9 of 24 June 2016, a revised report was before Members that took into account the comments made in a letter from Mr Knight's Solicitor provided for Members at the previous meeting as well as subsequent correspondence.

It was noted that the reason the matter had been referred to the Planning Committee was because the landowner was a Member of the Navigation Committee and usually the judgements required would normally be made at officer level.

The Planning Officer (Compliance and Implementation) provided Members with illustrations of the various matters in question and detailed in the report.

Members noted the email received from the landowner's solicitors stating that they maintained their position in relation to the points originally raised in their advice to their client on 23 June 2016. However, they had noted the recommendation within the report, and

stated that the client continues to want to work with the Broads Authority and therefore did not intend to make a substantive submission in response to the latest report.

Members endorsed the approach to be taken.

RESOLVED unanimously

- (i) that there are no grounds on which to argue that enforcement action is currently expedient in respect of breaches identified in para 3.2 of the report (a) to (e) and therefore no further action be taken;
- (ii) that the site operator be requested to provide the information and actions required with regard to the outstanding matters as set out in section 3.5 of the report:
 - Provide a landscaping scheme
 - Provide demarcated parking spaces as indicated
 - Provide details of the signage
(As he has already indicated he is prepared to do) and
 - To formally confirm the number of vessels using the site for residential mooring so that an assessment can be made of whether the trigger for the conditions on BA/2015/0251/FUL or BA/2016/0064/COND have been met;
- (iii) should the site operator fail to undertake the required actions, or provide the necessary information, to bring the matter back to the Committee to consider whether enforcement action be authorised or no further action be taken.

Agenda Items 1/12 and 1/13 were taken at this point

1/11 General Procedures and Protocol on receipt of information prior to Committee

Further to Minute 13/9c the Committee received a report setting out proposed procedures and protocol for receipt of information prior to Committee meetings following publication of the reports from relevant parties including landowners, applicants and/or their agents and third parties. Subject to members comments and agreements, this would form an additional section 10 (lobbying of and by Members) and Section 11 (Public Speaking at Planning Committee).

Members gave full consideration to the proposed protocol recognising that the responsibility for enforcing compliance with the protocol rested with the Chairman, Members of the Committee and relevant officers. They considered that it was important that a deadline for receipt of information prior to a Committee meeting was enforced and that this be three working days. This should give members sufficient time to review the information and for officers

to provide a response if required. It was important to avoid the late provision of information, particularly when used as a means of deferral.

It was recognised that in the case of Enforcement items, the procedures in the Enforcement Plan would have been carried out and the site operator/landowner would have been informed of the breaches of planning control and attempts made by officers to resolve the matter. Therefore, they would be aware of the potential consequences and proposed course of action if a resolution had not been achieved and they would be informed if a report would be submitted to the Committee. It was considered that although public speaking on enforcement matters was not permitted, the same rules for the submission of additional information for planning applications after publication of reports, be applied to enforcement matters.

RESOLVED

that procedures and protocol on receipt of information prior to Committee be adopted for a trial period of six months and the necessary amendments are provisionally made to the Code of Conduct for Planning Committee members and Officers and the "Speaking at Planning Committee" Leaflet.

1/12 Broads Local Plan – (June) Bite Size Pieces

The Committee received a report introducing the fourth set of the topics/ Bite Size pieces of the Preferred Options version of the Broads Local Plan relating to draft policies for:

Appendix A: Draft Vision for the Broads

Appendix B: Boat Wash Down Facilities

Appendix C: Excavated Material

Appendix D: Utilities Infrastructure (*an amended version of Policy DP9*)

Appendix E: Sports Venues

Appendix F: Residential Annexes

Appendix G: Visitor and Community facilities and services and Stalham Staithe (Refreshed STA1 and DP27).

Appendix H: Local Infrastructure Study report 2016

It was noted that these did not necessarily represent the final text or approach but were part of its developments prior to the final version being presented to Planning Committee in November 2016.

Members welcomed the specific policies being developed, particularly the vision for the Broads Local Plan being the same as that for the Broads Plan (the overall management plan for the Broads). Members noted and welcomed that there would be cross-referencing to policies in association with the Objectives within the Vision as well as cross-referencing between the two documents. The proposed changes within the Site Specific Policies indicated as track changes were also welcomed.

With reference to Appendix B on Boat Wash Down facilities, Members noted the distinction between Biodiversity and antifouling and the potential costs relating to the latter for new applications.

With reference to Appendix D Utilities Infrastructure, a Member reported that he had recently attended a meeting at Norfolk County Council about the proposed next generation of windfarms off the Great Yarmouth coast. The meeting had made it very clear that any cables to the grid should be undergrounded. Members commented that it was very important that the 2006/2008 Landscape Character Assessment be taken into account and were pleased to note that this was being updated to support the developing Local Plan and Broads Plan as well as the Landscape Partnership project.

With reference to Appendix E concerning two specific sites: Maltings Meadow Sports Ground, Ditchingham and Broadland Sports Club, it was clarified that the policies were based on having had meetings with both site owners. The policies reflected the constraints of the sites and were designed to reflect the existing situation. There were no specific policies on sports venues generally.

With reference to Appendix G Visitor and Community Facilities and Services, members suggested that Waste facilities and management should be included in the second paragraph of the reasoned justification as well as in the text (pages 93 and 95 of the agenda papers).

With regard to the Localism Act and the reference to Assets of Community Value, this was welcomed. It was clarified that the Authority did not hold or maintain a list of community assets, as these were held with the Districts and at present, the Authority had only one community asset specified within the area.

It was noted that none of the proposed amendments would be in place until the Local Plan was adopted. Therefore any planning applications would be judged against the adopted 2014 Site Specifics Local Plan and not the amended policies until the new policies were adopted.

Members welcomed the approach being adopted of dealing with the Local Plan in "Bite Size" pieces. The Navigation Committee would be consulted on the relevant Bite Size pieces. It was noted that in order to achieve the deadlines for publication of the Preferred Options following consultation in November, the next two meetings would require consideration of a greater number of policies at a time. Therefore, it was intended to provide Members with the Draft policies well in advance of the August and September Planning Committee meetings to give ample opportunity for detailed consideration.

Appendix H The Local Infrastructure Study Report was considered to be very useful.

It was noted that with some of the issues raised, policy statements would not be appropriate as they would not be enforceable by the Authority, but more

appropriate for other agencies which could be referred to within the Broads Plan. It was often a question of education and marketing.

RESOLVED

- (i) that the report be noted; and
- (ii) that the topics inform the draft policy approach in the Preferred Options for the Broads Local Plan.

1/13 Consultation Documents Update and Proposed Responses

The Committee received a report on the Consultation Documents recently received together with the Authority's proposed responses for:

Norwich City, Broadland District and South Norfolk District Councils: Greater Norwich Local Plan Sustainability Appraisal Scoping Report Consultation

Members welcomed the proposed responses, particularly the inclusion of reference to a number of the Authority's policies including dark skies. It was considered that the Authority was providing a consistent, robust, coherent and clear positive message which was to be welcomed.

RESOLVED

- (i) that the report be noted and the proposed consultation responses be endorsed; and
- (ii) that the responses be forwarded to the relevant Authorities – Norwich City, Broadland District and South Norfolk District Councils.

Agenda Item 1/11 taken at this point

1/14 Enforcement Update

The Committee received an updated report on enforcement matters already referred to Committee.

RESOLVED

that the report be noted.

1/15 Appeals to Secretary of State Update

The Committee received a report on the appeals to the Secretary of State against the Authority's decisions since 1 April 2016.

RESOLVED

that the report be noted.

1/16 Decisions Made by Officers under Delegated Powers

The Committee received a schedule of decisions made by officers under delegated powers from 6 June 2016 to 4 July 2016.

RESOLVED

that the report be noted.

1/17 Circular 28/83: Publication by Local Authorities of Information About the Handling of Planning Applications

The Committee received the report setting out the development control statistics for the quarter ending 30 June 2016.

It was disappointing to note that when there were so few major applications within the Broads area, just one major application slipping provided a large percentage and therefore a disproportionate impression of the overall statistics. It was noted that if it became apparent that there would be difficulties in achieving the set target for such applications, Officers could request an extension of time. However, in this instance that related to a BESL application, it was not envisaged that the target would not have been met as completion was close to that required.

RESOLVED

that the report be noted.

1/18 Date of Next Meeting

The next meeting of the Planning Committee would be held on Friday 19 August 2016 starting at 10.00 am at Yare House, 62- 64 Thorpe Road, Norwich.

The meeting concluded at 12.10 pm

CHAIRMAN

Code of Conduct for Members

Declaration of Interests

Committee: Planning Committee

Date of Meeting: 22 July 2016

| Name | Agenda/ Minute No(s) | Nature of Interest (Please describe the nature of the interest) |
|----------------|-------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------|
| All Members | 1/9(1) | BA/2016/0170/COND Heron Cottage, Ferry Road, Horning as Member of Navigation Committee is Director of the company making the application |
| All Members | 1/10 | Enforcement Item for consideration Site owner is a member of the Navigation Committee |
| Bill Dickson | 1/9 (1) and (2) | BA/2016/0176/FUL Aldeby and BA/2016/2013/FUL The Bridge Restaurant, Wroxham Written comments already submitted as originally not able to attend the meeting. |
| Jacque Burgess | | Toll Payer |
| Gail Harris | | Director of Whitlingham Charitable Trust |
| John Timewell | 1/9 | BA/2016/2013/FUL The Bridge Restaurant, Wroxham – Ex-wife owns Hotel opposite to Bridge Restaurant |
| Peter Dixon | 1/6(3) | BA/2016/0191/FUL Hickling Enhancements (Local resident – will not take part in site visit or Chair meeting for determination of application) |